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10/786,725	02/25/2004	Kirk D. Swenson	3896-031736 (P-6004)	2750

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EXAMINER
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TOWA, RENE T

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/786,725

Applicant(s)

SWENSON ET AL.

Examiner

Rene Towa

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/08/05, 06/01/04</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-12, 29 and 35 are objected to because of the following informalities:

In regards to claim 1, at line 7, insert --being-- between "collar" and "received."

In regards to claim 10, the limitation "pivotable shield" lack antecedent basis prior to this recitation and should apparently read --shield-- or --safety shield--; it is unclear whether or not the shield is pivotable.

In regards to claim 29, the limitations "the recess area" lack antecedent basis prior to this recitation.

In regards to claim 35, at line 2, "protrusions" should apparently read --protrusions--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 9-10, 13-14, 17-20, 22, 27, and 30-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Hollister (US Patent No. 4,982,842).

In regards to claim 1, Hollister disclose(s) a holder assembly comprising:

a holder housing 72 capable of receiving a sample collection tube within a rearward end, a forward end of the holder housing 72 including a needle receiving port

Art Unit: 3736

for receiving a needle cannula 68 therein and an annular skirt extending about the needle receiving port; and

a safety shield 14 pivotably attached to a collar 2b, said collar 2b having an opening therethrough for receiving a needle cannula 68 therethrough, the collar 2b received between the annular skirt 76 and the needle receiving port of the holder housing 72 such that the safety shield 14 is capable of being pivoted over at least a portion of a needle received within the needle receiving port of the holder housing 72,

wherein the safety shield 14 and the collar 2b are rotatable with respect to the holder housing 72 about an axis of the holder housing 72 (see figs. 1A & 4).

In regards to claim 2, Hollister disclose(s) a holder assembly wherein the collar 2b is annular (see fig. 4).

In regards to claim 3, Hollister disclose(s) a holder assembly wherein the shield 14 comprises a rearward end, a forward end, a longitudinal opening in the forward end for receiving a needle, and a hanger bar 8 on the rearward end capable of connecting the safety shield 14 to the collar 2b (see fig. 1A).

In regards to claim 4, Hollister disclose(s) a holder assembly wherein the collar 2b comprises a hook arm 12, the hook arm 12 engages the hanger bar 8 for connecting the safety shield 14 to the collar 2b whereby there is an interface fit between the hanger bar 8 and the hook arm 12 (see fig. 1A).

In regards to claim 5, Hollister disclose(s) a holder assembly wherein an outer surface of the collar 2b includes a protrusion 18 and an inner surface of the annular skirt 76 includes a groove 78, the groove 78 on the annular skirt 76 capable of receiving the

Art Unit: 3736

protrusion 18 on the annular collar 2b, thereby providing an interface fit when the collar 2b is received between the annular skirt 76 and the needle receiving port of the holder housing 72 (see fig. 4).

In regards to claim 6, Hollister disclose(s) a holder assembly wherein the protrusion 18 is annular and extends around the outer surface of the collar 2b and the groove 78 is annular and extends around the inner surface of the annular skirt 76 (see fig. 4).

In regards to claim 9, Hollister disclose(s) a holder assembly wherein the shield 14 and the collar 2b are integral and attached through a living hinge 12 (see figs. 1A & 4).

In regards to claim 10, Hollister disclose(s) a method of assembling a needle holder assembly comprising:

(a) providing a holder housing 72 having a forward end and a rearward end capable of receive a sample collection tube within the rearward end of the holder housing 72, the forward end of the holder housing 72 comprising a needle receiving port for receiving a needle cannula 68 therein and an annular skirt 76 extending about the needle receiving port;

(b) providing a safety shield 14 comprising a rearward end, a forward end, an opening in the forward end for receiving a needle, and a mating element 12 on the rearward end;

(c) providing an annular collar 2b for rotatably connecting the pivotable shield 14 to the holder housing 72, the annular collar 2b comprising a mating structure 8 for

Art Unit: 3736

engagement with the safety shield 14 for attaching the safety shield 14 to the annular collar 2b;

(d) mating the mating element of the safety shield 14 with the mating structure of the annular collar 2b; and

(e) inserting the annular collar 2b having the safety shield 14 attached thereto within a recess 78 between the annular skirt 76 and the needle receiving port (see figs. 1A & 4).

In regards to claim 13, Hollister disclose(s) a holder assembly comprising:

a holder housing 72 capable of receiving a sample collection tube within a rearward end, a forward end of the holder housing 72 including a needle receiving port for receiving a needle cannula 68 therein and a skirt 76 extending about the needle receiving port, the needle receiving port and the skirt 76 defining a recess area 78 therebetween, and

a collar 2b received within the recess area 78 of the holder housing 72, the collar 2b including a safety shield 14 attached thereto.

In regards to claim 14, Hollister disclose(s) a holder assembly wherein the skirt 76 extends away from the forward end of the holder housing 72 a distance sufficient to substantially meet with a structure for providing pivotal engagement between the collar 2b and the safety shield 14 (see figs. 1A & 4).

In regards to claim 17, Hollister disclose(s) a holder assembly wherein the shield 14 and the collar 2b are integral and attached through a living hinge 12 (see fig. 1A).

In regards to claim 18, Hollister disclose(s) a holder assembly wherein the recess area 78 includes a groove 78 and the collar 2b includes a protrusion 18, thereby providing an interface fit between the groove 78 and the protrusion 18 when the collar 2b is received within the recess area 78 of the holder housing 72 (see fig. 4).

In regards to claim 19, Hollister disclose(s) a holder assembly wherein the collar 2b and the skirt 76 are both annular (see fig. 4).

In regards to claim 20, Hollister disclose(s) a holder assembly wherein the protrusion 18 extends around the entire outer surface of the collar 2b and the groove 78 extends around an entire surface, which defines the recess 78 (see fig. 4).

In regards to claim 22, Hollister disclose(s) a holder assembly wherein the collar 2b is rotatable about an axis of the holder housing 72 (see fig. 4).

In regards to claim 27, Hollister disclose(s) a holder assembly comprising:  
a holder housing 72 including an annular skirt 76 extending from a forward end, the forward end of the holder housing 72 capable of receive a needle cannula 68 therethrough for engagement with a piercable member 68 of a container received within the rearward end thereof,

a collar 2b attached to the forward end of the holder housing 72, and

a safety shield 14 in pivotable engagement with the collar 2b,

wherein the annular skirt 76 extends from the forward end of the holder housing 72 a distance sufficient to substantially meet with structure providing the pivotable engagement between the collar 2b and the safety shield 14 (see figs. 1A & 4).

In regards to claim 30, Hollister disclose(s) a holder assembly wherein the holder housing 72 is capable of receiving a sample collection tube including a piercable stopper within the rearward end (see fig. 4).

In regards to claim 31, Hollister disclose(s) a holder assembly wherein the collar 2b includes structure for supporting a needle cannula 68 therethrough (see fig. 4).

In regards to claim 32, Hollister disclose(s) a holder assembly comprising:  
a holder housing 72 capable of receiving a sample collection tube within a rearward end of said holder housing 72, the forward end of the holder housing 72 capable of receive a needle cannula 68 therethrough for engagement with a sample collection tube received within the rearward end thereof,

a collar 2b attached to the forward end of the holder housing 72, and  
a safety shield 14 in pivotable engagement with the collar 2b,  
wherein at least a portion of the forward end of the holder housing 72 and at least a portion of the collar 2b provide a pivot axis for the safety shield 14 (see figs. 1a & 4).

In regards to claim 33, Hollister disclose(s) a holder assembly comprising:  
a holder housing 72 capable of receiving a sample collection tube within a rearward end of said holder housing 72, the forward end of the holder housing 72 capable of receiving a needle cannula 68 therethrough for engagement with a sample collection tube received within the rearward end thereof, the forward end of the holder housing 72 comprising a rearward bearing surface; and

a collar 2b attached to the forward end of the holder housing 72, the collar 2b comprising a forward bearing surface and a safety shield 14 pivotably rotatable with



Art Unit: 3736

respect the holder, the safety shield 14 comprising a journal 12 for pivotable rotation thereof; wherein the rearward bearing surface of the holder housing 72 and the forward bearing surface of the collar 2b form an effective bearing for supporting the safety shield journal 12 (see figs. 1A & 4).

In regards to claim 34, Hollister disclose(s) a holder assembly wherein the collar 2b is restricted from rotation with respect to the holder housing 72 after assembly (see fig. 4).

*It is noted that the collar 2b stops rotating as soon it reaches the end of the thread 78.*

In regards to claim 35, Hollister disclose(s) a holder assembly wherein the holder housing 72 further comprises flange protrusions radially extending from the rearward end of the holder (see fig. 4).

In regards to claim 36, Hollister disclose(s) a holder assembly wherein removal of the safety shield 14 from the holder assembly is resisted by the forward end 78 of the holder housing 72 and portions 18 of the collar 2b (see fig. 4).

*It is noted that application of a longitudinal force on the safety shield 14 of Hollister is resisted by the forward end 78 of the holder housing and portions 18 of the collar 2b.*

In regards to claim 37, Hollister disclose(s) a holder assembly wherein removal of the safety shield 14 from the holder assembly is restricted by the rearward bearing surface of the holder and the forward bearing surface of the collar 2b (see fig. 4).

*It is noted that application of a longitudinal force on the safety shield 14 of Hollister is resisted by the rearward bearing surface (i.e. of the threads 78) of the holder and the forward bearing surface (i.e. of the protrusions) of the collar 2b.*

In regards to claim 38, Hollister disclose(s) a holder assembly wherein the rearward bearing surface of the holder and the forward bearing surface of the collar 2b each have a radius within 30% of a radius measured on the journal 12 (see fig. 4).

4. Claims 1-4, 27, 27-33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Newby et al. (US Patent No. 6,298,541).

In regards to claim 1, Newby et al. disclose(s) a holder assembly comprising:  
a holder housing capable of receiving a sample collection tube within a rearward end, a forward end of the holder housing including a needle receiving port for receiving a needle cannula 40 therein and an annular skirt 92 extending about the needle receiving port; and

a safety shield 140 pivotably attached to a collar 90, said collar 90 having an opening therethrough for receiving a needle cannula 40 therethrough, the collar 90 received between the annular skirt 92 and the needle receiving port of the holder housing such that the safety shield 140 is capable of being pivoted over at least a portion of a needle received within the needle receiving port of the holder housing,

wherein the safety shield 140 and the collar 90 are rotatable with respect to the holder housing about an axis of the holder housing (see figs. 2, 7-8 & 10-13).

In regards to claim 2, Newby et al. disclose(s) a holder assembly wherein the collar 90 is annular (see fig. 2).

In regards to claim 3, Newby et al. disclose(s) a holder assembly wherein the shield 140 comprises a rearward end, a forward end, a longitudinal opening in the forward end for receiving a needle, and a hanger bar 182 on the rearward end adapted to connect the safety shield 140 to the collar 90 (see fig. 7).

In regards to claim 4, Newby et al. disclose(s) a holder assembly wherein the collar 90 comprises a hook arm 114, the hook arm 114 engages the hanger bar 182 for connecting the safety shield 140 to the collar 90 whereby there is an interface fit between the hanger bar 182 and the hook arm 114 (see fig. 7).

In regards to claim 27, Newby et al. disclose(s) a holder assembly comprising:  
a holder housing including an annular skirt 92 extending from a forward end, the forward end of the holder housing adapted to receive a needle cannula 40 therethrough for engagement with a piercable member of a container received within the rearward end thereof,

a collar 90 attached to the forward end of the holder housing, and  
a safety shield 140 in pivotable engagement with the collar 90,  
wherein the annular skirt 92 extends from the forward end of the holder housing a distance sufficient to substantially meet with structure providing the pivotable engagement between the collar 90 and the safety shield 140 (see figs. 2, 7-8 & 10-13).

In regards to claim 28, Newby et al. disclose(s) a holder assembly wherein the safety shield 140 is connected to the collar 90 by means of a hook arm 114 on the collar 90 which engages a bar 182 on the safety shield 140 (see figs. 2, 7-8 & 10-13).

In regards to claim 29, Newby et al. disclose(s) a holder assembly wherein the skirt 92 extends to substantially enclose an opening of the hook arm 114 when the bar 182 of the safety shield 140 is received within the hook arm 114 when the collar 90 is received within the recess area of the holder housing (see figs. 2, 7-8 & 10-13).

In regards to claim 30, Newby et al. disclose(s) a holder assembly wherein the holder housing is capable of receiving a sample collection tube including a piercable stopper within the rearward end (see figs. 2, 7-8 & 10-13).

In regards to claim 31, Newby et al. disclose(s) a holder assembly wherein the collar 90 includes structure for supporting a needle cannula 40 therethrough (see figs. 2, 7-8 & 10-13).

In regards to claim 32, Newby et al. disclose(s) a holder assembly comprising:  
a holder housing adapted to receive a sample collection tube within a rearward end of said holder housing, the forward end of the holder housing adapted to receive a needle cannula 40 therethrough for engagement with a sample collection tube received within the rearward end thereof,

a collar 90 attached to the forward end of the holder housing, and  
a safety shield 140 in pivotable engagement with the collar 90,  
wherein at least a portion of the forward end of the holder housing and at least a portion of the collar 90 provide a pivot axis for the safety shield 140 (see figs. 2, 7-8 & 10-13).

In regards to claim 33, Newby et al. disclose(s) a holder assembly comprising:

a holder housing adapted to receive a sample collection tube within a rearward end of said holder housing, the forward end of the holder housing adapted to receive a needle cannula 40 therethrough for engagement with a sample collection tube received within the rearward end thereof, the forward end of the holder housing comprising a rearward bearing surface; and

a collar 90 attached to the forward end of the holder housing, the collar 90 comprising a forward bearing surface and a safety shield 140 pivotably rotatable with respect to the holder, the safety shield 140 comprising a journal 182 for pivotable rotation thereof; wherein the rearward bearing surface of the holder housing and the forward bearing surface of the collar 90 are capable of forming an effective bearing for supporting the safety shield journal 182 (see figs. 2, 7-8 & 10-13).

In regards to claim 35, Newby et al. disclose(s) a holder assembly wherein the holder housing further comprises flange protrusions radially extending from the rearward end of the holder (see figs. 2, 7-8 & 10-13).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newby et al. ('541) in view of Cameron (US Patent No. 5,197,954).

In regards to claim 23, Newby et al. disclose(s) a holder assembly comprising:

a holder housing capable of receiving a sample collection tube within a rearward end, a forward end of the holder housing including a needle receiving port for receiving a needle cannula 40 therein, the holder housing having an annular skirt 92 extending from the forward end, and

a collar 90 which attaches to the forward end of the holder housing, the collar 90 having a hook arm 114 for connection of a safety shield 140.

In regards to claim 24, Newby et al. disclose(s) a holder assembly wherein the collar 90 is rotatable about an axis of the holder housing.

In regards to claim 25, Newby et al. disclose(s) a holder assembly wherein the collar 90 further comprises an interior opening for receiving a needle cannula 40 therein.

In regards to claim 26, Newby et al. disclose(s) a holder assembly wherein the interior opening includes structure for engagement with corresponding mating structure on a needle cannula 40 assembly (see figs. 2, 7-8 & 10-13).

*Newby et al. discloses a holder assembly, as described above in claims 4 and 23, that teaches all the limitations of the claim except Newby et al. do not teach a holder assembly wherein the annular skirt abuts the hook arm when the holder housing and the collar 90 are in an attached position. However, Cameron discloses a holder assembly wherein an annular skirt 72 abuts a hook arm 84 when a holder housing 12 and a collar 72 are in an attached position (see fig. 5).*

It would have been obvious to one of ordinary skill in the art the time Applicant's invention was made to provide a device similar to that of Newby et al. with an abutment

structure similar to that of Cameron in order to releasably lock or firmly hold the base of the collar against the holder housing (see Cameron, column 7/lines 1-8 & 13-17).

7. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollister ('541) in view of Cosme (US Patent No. 6,077,253).

Hollister discloses an apparatus, as described above, that teaches all the limitations of the claim except Hollister does not teach a plurality of slits. However, Cosme discloses a holder assembly comprising a plurality of slits 16 (see fig. 3). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide an apparatus similar to that of Hollister with slits similar to those of Cosme in order to restrain rotational movement of the collar (see Cosme, column 3/lines 1-12).

8. Claims 10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newby et al. ('541) in view of Hollister ('842).

In regards to claim 10, Newby et al. discloses a method of assembling a needle holder assembly comprising:

(a) providing a holder housing having a forward end and a rearward end adapted to receive a sample collection tube within the rearward end of the holder housing, the forward end of the holder housing comprising a needle receiving port for receiving a needle cannula 40 therein and an annular skirt 92 extending about the needle receiving port;

(b) providing a safety shield 140 comprising a rearward end, a forward end, an opening in the forward end for receiving a needle, and a mating element on the rearward end;

(c) providing an annular collar 90 for rotatably connecting the pivotable shield 140 to the holder housing, the annular collar 90 comprising a mating structure for engagement with the safety shield 140 for attaching the safety shield 140 to the annular collar 90;

(d) mating the mating element of the safety shield 140 with the mating structure of the annular collar 90 (see figs. 2, 7-8 & 10-13).

In regards to claim 12, Newby et al. disclose(s) a method of assembling a needle holder assembly wherein the mating element on the safety shield 140 is a bar 182 and the mating structure on the annular collar 90 is a hook element 114, and said mating step comprises interfitting the bar within the hook element (see fig. 7).

*Newby et al. disclose a method, as described above in claim 10, that teaches all the limitations of the claim except Newby et al. do not teach inserting the annular collar having the safety shield attached thereto within a recess between the annular skirt and the needle receiving port. However, Hollister teaches a method comprising inserting an annular collar 2b having a safety shield 14 attached thereto within a recess 78 between the annular skirt 76 and the needle receiving port (see figs. 1A & 4).*

It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a method similar to that of Newby et al. with



a method step similar to that of Hollister in order to threadedly mate the annular skirt to the collar (see Hollister, column 6/line 62 to column 7/line 10).

In regards to claim 13, Newby et al. disclose(s) a holder assembly comprising:  
a holder housing capable of receiving a sample collection tube within a rearward end, a forward end of the holder housing including a needle receiving port for receiving a needle cannula 40 therein and a skirt 92 extending about the needle receiving port (see figs. 2, 7-8 & 10-13).

In regards to claim 14, Newby et al. disclose(s) a holder assembly wherein the skirt 92 extends away from the forward end of the holder housing a distance sufficient to substantially meet with a structure for providing pivotal engagement between the collar 90 and the safety shield 140 (see figs. 2, 7-8 & 10-13).

In regards to claim 15, Newby et al. disclose(s) a holder assembly wherein the safety shield 140 is connected to the collar 90 by means of a hook arm on the collar 90 which engages a bar on the safety shield 140 (see figs. 2, 7-8 & 10-13).

*Newby et al. disclose a method, as described above in claim 13, that teaches all the limitations of the claim except Newby et al. do not teach receiving the annular collar having the safety shield attached thereto within a recess area between the annular skirt and the needle receiving port. However, Hollister teaches a device comprising an annular collar 2b having a safety shield 14 attached thereto, which is received within a recess 78 between the annular skirt 76 and the needle receiving port (see figs. 1A & 4).*

It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a device similar to that of Newby et al. with a

recess area similar to that of Hollister in order to threadedly mate the annular skirt to the collar 90 (see Hollister, column 6/line 62 to column 7/line 10).

9. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newby et al. ('541) in view of Hollister ('842) further in view of Cameron ('954).

Newby et al. as modified by Hollister discloses a holder assembly, as described above, that teaches all the limitations of the claim except Newby et al. do not teach a holder assembly wherein the annular skirt 92 substantially mate with the hook arm when the holder housing and the collar 90 are in an attached position. However, Cameron discloses a holder assembly wherein an annular skirt 72 abuts a hook arm 84 when a holder housing 12 and a collar 72 are in an attached position (see fig. 5).

It would have been obvious to one of ordinary skill in the art the time Applicant's invention was made to provide a device similar to that of Newby et al. as modified by Hollister with an abutment structure similar to that of Cameron in order to releasably lock or firmly hold the base of the collar against the holder housing (see Cameron, column 7/lines 1-8 & 13-17).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 2,806,473 to Lingley discloses a hypodermic syringe and needle for use therewith.

US Patent No. 5,885,249 to Irisawa discloses a syringe with a cap.

US Patent No. 5,201,716 to Richard discloses a blood sample needle support and ejection mechanism.

US Patent No. 4,822,343 to Beiser discloses a blood collection device with ejectable tips.

US Patent No. 5,102,397 to Brunet discloses a safety syringe for taking blood samples and for injections.

US Patent No. 4,994,046 to Wesson et al. discloses a needle guard for syringe.

US Patent No. 6,059,737 to Crawford discloses an adhesive gasket for blood collection needles.

US Patent No. 5,490,841 to Landis discloses a safety sheath device including an elongate housing.

US Patent No. 5,207,653 to Janjua et al. discloses a safety needle and cap combination device.

US Patent No. 5,055,102 to Sitnik discloses a swing-away disposable syringe needle cover.

US Patent No. 5,643,219 to Burns discloses a shielded needle assembly.

US Patent No. 6,139,533 to Xia et al. discloses a hypodermic needle capping device.

US Patent No. 6,719,737 to Kobayashi et al. discloses a safety needle assembly.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Towa whose telephone number is (571) 272-8758.


The examiner can normally be reached on M-F, 8:00-16:30.

Art Unit: 3736

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTT

  
MAX F. HINDENBURG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700